

BEFORE THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

FOR THE COUNTY OF YAMHILL

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

In the Matter of Approval of a Zoning Map Amendment)
From AF-20 (Agriculture/Forestry) to EF-20 (Exclusive) Ordinance 898
Farm Use), Planning Docket Z-01-16 (Applicant)
Lisa Friberg), and Declaring an Emergency)

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) sat for the transaction of county business on March 24, 2016, Commissioners Mary Starrett and Allen Springer being present. Commissioner Primozich was excused.

WHEREAS, Lisa Friberg applied for a zone change from AF-20, Agriculture/ Forestry, to EF-20, Exclusive Farm Use for property identified as Tax Lots 5519-300, 5519-400, 5519-1100 and 5519-1200 and located at 18141 and 18511 SW Sunnyridge Lane, Sheridan; and

WHEREAS, the Planning Commission heard this matter at a duly noticed public hearing on March 3, 2016 and, hearing no objections and being satisfied that the approval standards were met, voted unanimously to approve the application, NOW, THEREFORE,

THE BOARD ORDAINS AS FOLLOWS:

Section 1. The application is approved for the reasons stated in the findings attached as Exhibit "A" and incorporated into this ordinance by this reference.

Section 2. The Yamhill County Zoning Map is amended as shown in the attached Exhibit "B," incorporated into this ordinance by this reference.

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Section 3. This ordinance, being necessary for the health, safety, and welfare of the citizens of Yamhill County, and an emergency having been declared to exist, is effective immediately.

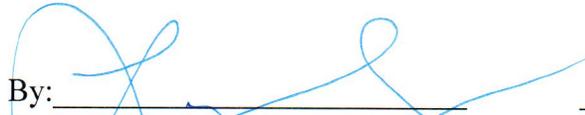
DONE this 24th day of March, 2016, at McMinnville, Oregon.

ATTEST

YAMHILL COUNTY BOARD OF COMMISSIONERS

BRIAN VAN BERGEN
County Clerk

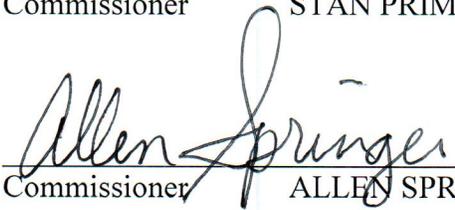

Chair MARY STARRETT

By: 
Deputy LUCY FLORES MENDEZ

Unavailable for signature
Commissioner STAN PRIMOZICH

FORM APPROVED BY:

TIMOTHY S. SADLO
Senior Assistant County Counsel


Commissioner ALLEN SPRINGER

Accepted by Yamhill County
Board of Commissioners on
3-24-16 by Board Order
16-109

**EXHIBIT A – ORDINANCE 898
FINDINGS FOR APPROVAL**

DOCKET NO.: Z-01-16

REQUEST: Zone change from AF-20, Agriculture/Forestry to EF-20, Exclusive Farm use

APPLICANT: Lisa Friberg

TAX LOTS: 5519-300, 400, 1100 and 1200

LOCATION: 18141 and 18511 SW Sunnyridge Lane, Sheridan

CRITERIA: Sections 402, 403 and 1208.03 of the Yamhill County Zoning Ordinance; the Yamhill County Comprehensive Plan Goals and Policies.

FINDINGS:

A. Background Facts:

1. Property size: Lot 300 is 5.82 acres, Lots 400, 1100 and 1200 are 10 acres each, for a total of 35.82 acres.
2. Access: Sunnyridge Lane and Redhawk Lane.
3. On-site Land Use: Lots 400, 1100 and 1200 all have residences. The applicant has noted that the property is currently a mixture of vineyard and timber.
4. Surrounding Land Use: The area contains a mixture of farm and forestry uses on parcels of approximately 7 to 12 acres. The subject parcels and the surrounding area are all part of the Northwestern Land and Improvement Co. Subdivision #2, which was platted in 1910. Further to the south, across Latham Road are larger farm parcels of approximately 45 to 80 acres in size. Further to the east is an approximately 400 acre parcel which contains a mixture of farm and forest uses.
5. Surrounding Zoning: The majority of the immediately surrounding parcels are zoned AF-20, Agriculture/Forestry. To the northwest and bordering the subject parcels is zoned EF-20, Exclusive Farm use. See attached "Current Zoning Map" at the end of the staff report.
6. Water: The application indicates the parcels are currently served by well(s).
7. Sewage Disposal: The existing dwellings are served by on-site septic systems.
8. Fire Protection: Sheridan Rural Fire District.
9. Soils: The Yamhill County Soil Survey Maps show the majority of the subject parcels are Peavine (PeB, PeD, PcC and PcD), Class III, IV and VI, non-high value farmland. The remainder of the property is identified as Willakenzie (WeF), Class VI, non-high value farmland.

10. Taxes: Lot 300 has five acres receiving forest deferral with 0.82 at market value. Lot 400 has six acres receiving forest deferral with four acres at market value. Lot 1100 has all ten acres at market value. Lot 1200 has two acres receiving forest deferral and eight acres at market value.
11. Previous Zoning: From 1976 to 1993 the majority of the subject parcels were zoned EF-40 and the majority of Lot 300 and a small portion of Lot 1200 were zoned AF-20. See attached “Historical Zoning Map”. In response to House Bill 3661 (1993), the parcels were rezoned to AF-20 at the direction of the Department of Land Conservation and Development. The new zoning became effective on December 29, 1993.
12. Previous Actions: Lot 300: In 2000, a forest template dwelling was approved through Docket FT-01-00, however, this approval has since expired. Lot 400: In 1976, a lot size variance for a dwelling was approved through Docket PV-172-76. Lot 1100: In 1985, an application for a non-farm dwelling and home occupation for a law office was approved through Docket C-39-85. Then in 2000, a home occupation application for a dental office was applied for but withdrawn. Lot 1200: In 1996, an application for a lot-of-record dwelling was approved through Docket LOR-32-96. In 2010, all four subject parcels including some adjacent parcels were part of a road naming application to name Red Hawk Lane (Docket RN-02-10).
13. Overlay Zones: Lots 400 and 1100 are identified as being within one mile of an area designated for mineral resource use.

B. Zone Change and Plan Amendment Provisions and Analysis

1. The decision on the requested zone change will be based on whether the request complies with the review criteria found in Section 1208.03 of the Yamhill County Zoning Ordinance, as follows:

Review Criteria for Amendments to or within Exclusive Farm Use and Agricultural/Forestry Zones

A quasi-judicial zone change to (1) amend the designation of land from Exclusive Farm Use, Agriculture/Forestry, or Forest to another of these zones, or (2) change the minimum lot size of land designated Exclusive Farm Use or Agriculture/Forestry, may be authorized, pursuant to Subsection 1208.01, provided that the request satisfies all applicable requirements of this ordinance, and also provided that the applicant demonstrates compliance with the following criteria:

- A. *The proposed amendment shall comply with the goals, policies, and other applicable provisions of the comprehensive plan.*
- B. *The proposed designation shall be appropriate for the existing or intended use of the property.*

- C. *The proposed amendment shall result in an area of at least 160 contiguous acres with the requested designation, including adjacent land.*
- D. *For proposed changes within or to an Exclusive Farm Use designation, the new minimum lot size shall be appropriate to maintain the existing commercial agricultural enterprise in the area.*
- E. *For proposed changes within or to an Agriculture/Forestry designation, the new minimum lot size shall be shown to assure:*
 - 1. *The opportunity for economically efficient forest and agriculture practices typically occurring in the area; and*
 - 2. *The opportunity for the continuous growing and harvesting of forest tree species; and*
 - 3. *The conservation of other forest values found on forest lands.*
- F. *Any amendment that would change the zone map designation to reduce the minimum lot size on property within an Exclusive Farm Use or Agriculture/Forestry district shall not be granted final approval by Yamhill County until the amendment has been considered and approved by the Land Conservation and Development Commission pursuant to ORS 215.780(2). The following rules shall apply:*
 - 1. *Conditional approval. Following receipt of an application for a zone change as otherwise provided by this ordinance, the county shall determine whether to grant or deny the application in accordance with criteria established in this section 1208.03. If the application is granted, the county shall enter an order of conditional approval, subject to final approval by the Land Conservation and Development Commission.*
 - 2. *Referral of Order of Conditional Approval. After conditional approval by Yamhill County, the application, county findings, order of conditional approval and a request for Commission action shall be referred to the Department of Land Conservation and Development.*
 - 3. *Final Approval. An amendment conditionally approved by Yamhill County shall not take effect until the county adopts an order or ordinance authorizing final approval after receipt of written confirmation of the county's conditional approval by the Land Conservation and Development Commission.*

The above criteria are addressed in Findings B.2 through B.5 below.

2. Regarding criterion (A), applicable goals from the Yamhill County Comprehensive Land Use Plan, Section II.A.1, Goal reads:

To conserve Yamhill County's farm lands for the production of crops and livestock and to ensure that the conversion of farm land to urban use where necessary and appropriate occurs in an orderly and economical manner.

Section II.A.2, Goal reads:

To conserve Yamhill County's soil resources in a manner reflecting their suitability for forestry, agriculture and urban development and their sustained use for the purposes designated on the county plan map.

Section II.B.1, Goal reads:

To conserve and to manage efficiently the county's forest and range resources, thereby ensuring a sustained yield of forest products, adequate grazing areas for domestic livestock, habitat for fish and wildlife, protection of forest soils and watershed, and preservation of recreational opportunities.

The applicant notes that the four parcels are currently used for both farm (vineyard) and forest. The proposed EF zoning designation allows farm uses as well as the propagation and harvesting of forest products. According to the Yamhill County Soil Survey, the timber yields of the soils are 160 cubic feet per acre per year and as noted above, the soils are listed as high value farmland. The applicant is not proposing an urban use; the minimum lot size is proposed to remain 20 acres.

3. Regarding criterion (B), as mentioned above, the subject parcel is currently a mixture of farm and forest use. The applicant states that the property has south slope exposures which lend the property to high-value agriculture expansion and that the EF zoning protects the property from land use changes that could occur with other zoning designations. While this is true, the AF designation that the parcels currently have also provides the same protections. Both zones require an exception to the agriculture goal if a non-resource zoning designation were proposed. Because this application is to change the zone from one resource zone (agriculture/forestry) to another (exclusive farm) a goal exception is not required. The proposed use is agricultural, and the proposed designation is appropriate for both the existing and proposed uses.
4. Regarding criterion (C), the subject area proposed for rezoning is approximately 35.82 acres. The total contiguous area after the rezoning would be approximately 220 acres. This is well over the 160-acres required; therefore, the request is consistent with criterion (C).
5. Regarding criteria (D), (E) and (F), the applicant wishes to keep the minimum lot size at 20 acres. The 20-acre minimum in the farm zone was approved by the Land Conservation and Development Commission through the process passed by the Oregon State Legislature

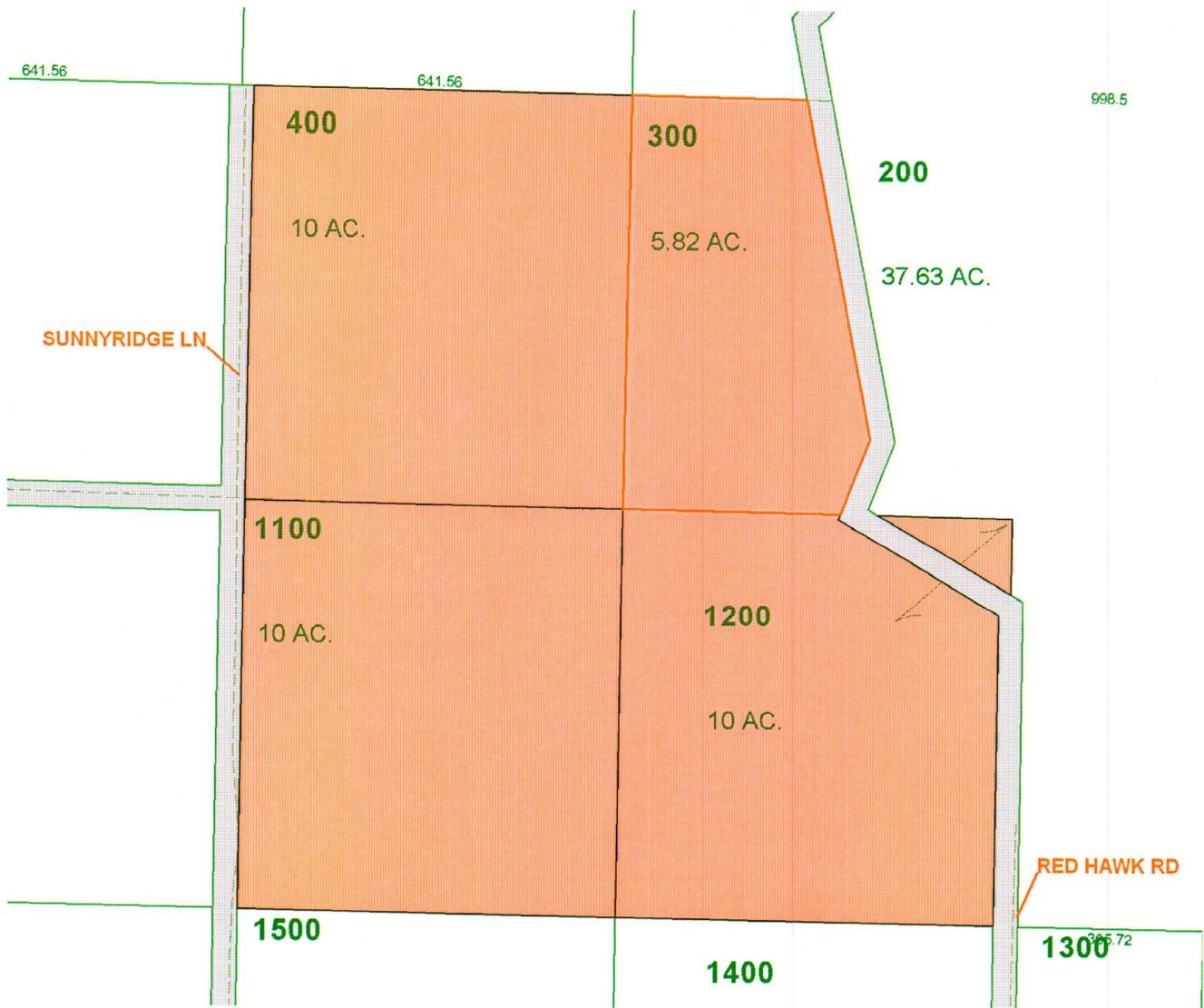
(see HB 3661 passed in 1993). Since the minimum lot size is not changing, the request satisfies criteria (D), (E) and (F).

CONCLUSIONS:

1. The request is for a zone change from AF-20, Agriculture/Forestry to EF-20, Exclusive Farm use.
2. The proposed zone change is consistent with Comprehensive Plan goals and policies.
3. The proposed change is consistent with the zone change criteria of Section 1208.03.

Based on the above findings and conclusions, the request by Lisa Friberg, for a zone change from AF-20, Agriculture/Forestry Use to EF-20, Exclusive Farm Use on Tax Lots 5519-300, 400, 1100 and 1200, is approved.

EXHIBIT B – ORDINANCE NO. 898
ADOPTED BY THE YAMHILL COUNTY BOARD OF COMMISSIONERS
MARCH 24, 2016
ZONING MAP CHANGE FROM
AF-20, AGRICULTURE/FORESTRY
TO
EF-20, EXCLUSIVE FARM USE



CHANGE APPLIES TO TAX LOTS 5519-300, 400, 1100 AND 1200 AS HIGHLIGHTED ABOVE.
APPROXIMATE SCALE - 1 INCH = 300 FEET

B.O. 11e-109